



GJONI LAW

401 BROADWAY, SUITE 1111
NEW YORK, NY 10013
T. 212-625-8333 · F. 866-313-9613
ATTORNEY@GJONILAW.COM

October 5, 2021

Via ECF

Hon. Joan M. Azrack
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, NY 11722

Re: Heskell Khozouri
Civ. Act. #: 2:21-CV-4601

Dear Honorable Judge Azrack,

My office represents Mr. Khozouri in the above referenced matter.

This letter is in reference to the letter by the Nassau County Attorney, dated September 27, 2021, seeking a briefing schedule for a motion to dismiss and/or stay.

First and foremost, my office objects to any motion to dismiss on the basis of the allegations currently within the complaint. My office has made several attempts to obtain the criminal file for this matter, but all attempts of been ignored Nassau County. In fact, the Nassau County Attorney affirms this issue by stating *"this Office will be unable to obtain records from the Police or District Attorney's Office while the criminal matter remains open."*

The plaintiff should be given the opportunity to learn the identity of the Nassau County Employees and amend the complaint to name all of the individuals involved.

My office filed the lawsuit to comply with the one-year and ninety-day statute of limitations imposed by New York law on actions against municipalities and their agencies. Therefore, my office does not object to a stay of the proceedings until the criminal matter is resolved and both parties have access to the relevant documents identifying the names of the Nassau County Employees.

If you have any questions, please feel free to contact me at any time.

Sincerely,

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